



BOARD OF PUBLIC WORKS & SAFETY JANUARY 22, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 6:03 p.m.

PRESENT:	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis and Director of Engineering Paul Peoni.
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Mr. Beville moved to approve the minutes of January 8th as mailed. Second by Mr. Hoover. Vote: Ayes.

Mario Guerra of CP Morgan represented Sweetgrass Subdivision, Section 2, to ask for acceptance of improvements, acceptance of maintenance bonds, acceptance of performance bonds, acceptance of off-site easements and execution of the plat. All improvements appear to be installed correctly in the field, noted Mr. Peoni, and they have paid their 1/3 SAF. Mr. Hoover moved to:

- 1) Accept the dirtwork and storm sewers at Sweetgrass Subdivision, Section 2.
- 2) Accept three (3) year maintenance bond #1003822 in the amount of \$107,109 for the dirtwork and storm sewers at Sweetgrass Subdivision, Section 2.
- 3) Accept the sanitary sewers at Sweetgrass Subdivision, Section 2.
- 4) Accept three (3) year maintenance bond #1003823 in the amount of \$35,423 for the sanitary sewers at Sweetgrass Subdivision, Section 2.
- 5) Accept the stone sub base, asphalt base, asphalt binder and concrete curbs (streets) at Sweetgrass Subdivision, Section 2.
- 6) Accept three (3) year maintenance bond #1003824 in the amount of \$54,093 for the stone sub base, asphalt base, asphalt binder and concrete curbs (streets) at Sweetgrass Subdivision, Section 2.
- 7) Accept performance bond #10003827 in the amount of \$31,368 for the installation of the asphalt surface and tack coat at Sweetgrass Subdivision, Section 2.
- 8) Accept performance bond #10003826 in the amount of \$8,783 for the installation of the signs and monuments at Sweetgrass Subdivision, Section 2.
- 9) Accept performance bond #10003825 in the amount of \$77,912 for the installation of the sidewalks at Sweetgrass Subdivision, Section 2.
- 10) Execute two (2) offsite sanitary sewer easements for Sweetgrass Subdivision, Section 2.
- 11) Execute the plat, all conditioned upon:
 - a) Receipt and final review and approval by the Engineering and Law departments of the revised bond in #6 above in the correct amount of \$54,093.
 - b) Receipt and final review and approval by the Engineering Department of the revised plat.
 - c) Payment of any final Inspection & Testing fees for both sanitary sewer and all other improvements.
 - d) Receipt and review and approval by the Engineering and Law Departments of the two (2) original offsite sanitary sewer easements.

Second by Mr. Beville. Vote: Ayes.

Kevin McGinnis, on behalf of Featherstone Development, LLC for Featherstone Subdivision, Section 1, asked for acceptance of improvements, acceptance of maintenance bonds and release of performance bonds. Mr. Peoni confirmed that everything appears to be in order in the field. As-builts are not required for the improvements being accepted. The Director of Engineering noted that the bonding company uses the same number for both performance and maintenance bonds, which could prove to be confusing. Ms. Koons-Davis commented that the address of the surety is not in the body of the bond, and must be since the address in the letterhead is a different company's address. Mr. Hoover moved to:

- 1) Accept the erosion control at Featherstone Subdivision, Section 1.
- 2) Accept three (3) year maintenance bond #886790S in the amount of \$8,594 for erosion control at Featherstone Subdivision, Section 1.

- 3) Release performance bond #886790S in the amount of \$42,970 for the installation of the erosion control in Featherstone Subdivision, Section 1.
- 4) Accept the asphalt surface and tack coat at Featherstone Subdivision, Section 1.
- 5) Accept three (3) year maintenance bond #886791S in the amount of \$6,551 for the asphalt surface and tack coat at Featherstone Subdivision, Section 1.
- 6) Release performance bond #886791S in the amount of \$32,756.63 for the installation of the asphalt surface and tack coat at Featherstone Subdivision, Section 1.
- 7) Accept the signs & monuments at Featherstone Subdivision, Section 1.
- 8) Accept three (3) year maintenance bond #885186S in the amount of \$1,508 for the signs & monuments at Featherstone Subdivision, Section 1.
- 9) Release performance bond #885186S in the amount of \$7,539 for the installation of the sign & monuments at Featherstone Subdivision, Section 1.
- 10) Accept sidewalks on lots 1, 8, 11, 20, 21, 26, 27, 46, 47, 48, 53, 54, 56, 61, 63 and 64 in Featherstone Subdivision, Section 1.
- 11) Accept three (3) year maintenance bond #885187S in the amount of \$3,712.12 for the sidewalks listed in #10 above.
- 12) Release performance bond w/rider #885187S in the amount of \$18,585.60 for the installation of the sidewalks listed in #10 above, all subject to:
 - a) Receipt and final review and approval by the Law Department on all maintenance showing the address of the surety company.
 - b) Final verification by the Engineering inspector on the satisfactory installation of the sidewalks listed in #10 above.
 - c) Payment of any final Inspection & Testing fees for all improvements except sanitary sewer.

Second by Mr. Beville. Vote: Ayes.

Concerning Copperfield, Section 2A, John Grimes of Projects Plus came forward to ask for accept of improvements, acceptance of maintenance bonds and execution of the plat. Mr. Grimes told the Board that originally Section 2 was designed as one section but before construction started the developer wanted to split Section 2 into two parts. The sewer for Section 2A is built and tested, said Mr. Grimes, but there is no lateral for lot 18. The developer has asked that it be noted in the minutes; they would provide any written documentation that they would not build on lot 18 until there is a lateral. Sanitation Superintendent Keith Meier had no objections. It was the consensus of the Board to have Beezer provide documentation to the Planning Department. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Copperfield South Subdivision, Section 2A, subject to Keith Meier, Sanitation Superintendent approval.
- 2) Accept three (3) year maintenance bond #MNT8634619 in the amount of \$13,500 for the sanitary sewers at Copperfield South Subdivision, Section 2A.
- 3) Accept the stone sub base, asphalt base, asphalt binder and concrete curbs (streets) at Copperfield South Subdivision, Section 2A.
- 4) Accept three (3) year maintenance bond #104149783 in the amount of \$21,779.78 for the stone sub base, asphalt base, asphalt binder and concrete curbs (streets) at Copperfield South Subdivision, Section 2A.
- 5) Accept performance bond #104149779 in the amount of \$11,632.50 for the installation of the asphalt surface and tack coat at Copperfield South Subdivision, Section 2A.
- 6) Accept performance bond #104149780 in the amount of \$42,362 for the installation of the sidewalks at Copperfield South Subdivision, Section 2A.
- 7) Accept performance bond #104149781 in the amount of \$1,455 for the installation of the signs & monuments at Copperfield South Subdivision, Section 2A.
- 8) Accept performance bond #104201512 in the amount of \$129,507.46 for the installation of the dirtwork and storm sewers at Copperfield South Subdivision, Section 2A.
- 9) Accept performance bond #104149782 in the amount of \$62,013.55 for the installation of the erosion control at Copperfield South Subdivision, Section 2A.
- 10) Execute the plat, all conditioned upon:
 - a) All bonds MUST show section 2A, not just 2. The change in sections was made at the request of the developer before construction began.
 - b) Review and approval of the bond forms by the City Attorney.
 - c) Receipt of the final approval letter from the Sanitation Superintendent on the sanitary sewers.
 - d) Receipt and final review and approval by the Engineering Department of the revised plat. The plat will be held until the developer provides the City with a letter clearly outlining their understanding that no construction will

be permitted on lot 18 until the lateral is installed and accepted by the City.

- e) Payment of any final Inspection & Testing fees for both sanitary sewer and all other improvements.
- f) Receipt of final mylar as-builts.
- g) Payment of 1/3 SAF fee.

Second by Mr. Beville. Vote: Ayes.

Mr. Grimes next represented MSS, LLC for Crooked Bend Subdivision, Section 4 to ask acceptance of improvements, acceptance of performance and maintenance bonds and execution of the plat. Mr. Grimes had a check for payment of Inspection & Testing fees. Mr. Peoni indicated that the improvements are satisfactorily installed and they have received acceptable as-builts. This is the last section that is receiving the SAF 100 credit. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Crooked Bend Subdivision, Section 4.
- 2) Accept three (3) year maintenance bond #5007052 in the amount of \$26,503 for the sanitary sewer at Crooked Bend Subdivision, Section 4.
- 3) Accept the stone sub base, asphalt base, asphalt binder and concrete curbs (streets) at Crooked Bend Subdivision, Section 4.
- 4) Accept three (3) year maintenance bond #400TC1220 in the amount of \$21,197.60 for the stone sub base, asphalt base and asphalt binder (streets) at Crooked Bend Subdivision, Section 4.
- 5) Accept three (3) year maintenance bond #RSB4034007 in the amount of \$8,272 for the concrete curbs at Crooked Bend, Section 4.
- 6) Accept the dirtwork and storm sewers at Crooked Bend, Section 4.
- 7) Accept three (3) year maintenance bond #5007053 in the amount of \$42,826 for the dirtwork and storm sewers at Crooked Bend Subdivision, Section 4.
- 8) Accept performance bond #104014943 in the amount of \$15,149.75 for the installation of the asphalt surface and tack coat at Crooked Bend Subdivision, Section 4.
- 9) Accept performance bond #104014945 in the amount of \$34,944.80 for the installation of the sidewalks at Crooked Bend Subdivision, Section 4.
- 10) Accept performance bond #104014944 in the amount of \$1,833.70 for the installation of the signs & monuments at Crooked Bend Subdivision, Section 4.
- 11) Accept performance bond #104014950 in the amount of \$99,134.31 for the installation of the erosion control at Crooked Bend Subdivision, Section 4.
- 12) Execute two (2) offsite sanitary sewer easements for Crooked Bend Subdivision, Section 4.
- 13) Execute the plat, all subject to:
 - a) Receipt and review and approval by both the Law and Engineering departments of the off-site sanitary sewer easements.
 - b) Receipt and final review and approval by the Engineering department of the revised plat.
 - c) Payment of any final Inspection & Testing fees for both sanitary sewer and all other improvements.
 - d) Receipt of final mylar as-builts.

Second by Mr. Beville. There was discussion on the delay of getting documentation to the City Attorney, and the City will hold the plat. Vote: Ayes.

Human Resources Director Carolyn Gaier reminded the Board that in December a worker's compensation proposal was discussed. There would be a one-month payment for January, 2004 and then a policy from February 1, 2004 through January 31, 2005. The January payment had been approved. Ms. Gaier requested approval of the 12 months for \$82,734. Mr. Beville moved to approve this request, with second by Mr. Hoover. Vote: Ayes.

Ms. Gaier asked for any questions on the employee handbook. At her request, Mr. Beville moved to approve the City of Greenwood Employee Handbook. Second by Mr. Hoover. Vote: Ayes.

On her Status of Tasks, the City Attorney first discussed the Pleasant Township Fire Protection Agreement for 2004-2005. There does not appear that any reduction in the amount paid is necessary because of annexations by the City in Pleasant Township, for even though the cost of providing protection is increasing, the area of the unincorporated portion of the township is decreasing. Mr. Hoover moved to approve the 2004-2005 Pleasant Township Fire Protection Agreement for the City of Greenwood to provide fire protection for the unincorporated areas of Pleasant Township for a fee of \$12,000 and to authorize the Mayor to execute the Agreement in the Board's behalf. Second by Mr. Beville. Mayor

Henderson reported that Fire Chief Steve Dhondt was comfortable with the contract and if we charged more it would be a burden. Vote: Ayes.

The next item was consideration of the pollution liability insurance proposal of XL Environmental, Inc. for the Greenwood Sewage Works. Ms. Koons-Davis recounted that the Board had approved a License Agreement last November with the Louisville and Indiana Railroad to allow the City to install sewer pipeline in railroad property as part of the Eastside Interceptor (ESI) Project, Phase 2A. One of the requirements of the license is that the City show proof of insurance for a pollution incident resulting in loss or damage. Our general liability policy with St. Paul excludes coverage for any kind of pollution event. David Stace of Gregory & Appel fielded companies willing to write policies for the required coverage and forwarded a proposal from XL Environmental for the necessary coverage for the City's consideration. The company is willing to insure just the portion of the line in the railroad property for an annual premium of \$20,000, with a \$25,000 deductible. However, for an annual premium of \$25,220 the company is willing to insure the entire 260 miles of Greenwood Sewage Works pipeline. The policy covers only the sewer lines, not above ground or underground storage tanks. XL proposes a 1-year policy with \$2,000,000 one loss or \$6,000,000 annual aggregate for the annual premium, with the \$25,000 deductible. XL also offers a 3-year policy for a premium of \$45,901, same deductible, with an aggregate total limit of \$6,000,000 for the three years. The license agreement does not specifically say that the \$6,000,000 aggregate has to be an annual, so the City would be able to insure in this manner without breaching the license agreement. Mayor Henderson asked about the possibility of posting a letter-of-credit against the utility. The City Attorney thought that this would certainly be negotiable. This led to discussion about the depth of the pipe and the fact that it would not be joined at the point it goes under the railroad as well as details of the proposal. Mr. Hoover moved that the Mayor, in concert with the City Attorney, negotiate the resolution of this issue, whether through buying an insurance policy or another acceptable guarantee, with the Mayor authorized to sign on the Board's behalf. Second by Mr. Beville. Vote: Ayes.

Regarding the Sewer Billing Information Agreement with Indiana-American Water Company, counsel informed the Board that authorization was overlooked at the July 10, 2003 meeting. Therefore, the approval of the Agreement and the execution of it by the Mayor must be ratified by the Board. Mr. Hoover moved to ratify the approval and execution by the Mayor of the Sewer Billing Information Agreement between the City of Greenwood and Indiana-American Water Company, Inc. dated December 23, 2003. Second by Mr. Beville. Vote: Ayes. Since the execution of that Agreement, Indiana-American has determined a specific date for the transition of its equipment and procedures to an On-Line Account Manager system for the handling of data and information. The water company will require a new agreement to specifically include use of the new system. As that agreement is not yet drafted, they have forwarded a transition letter requiring the City to indicate whether it has programmed its system to receive its new format or not. Mr. Hoover moved to affirmatively respond to Indiana-American Water Company's request to indicate that the City is proceeding with the new system and to authorize the Mayor to execute the letter in the Board's behalf. Second by Mr. Beville. Vote: Ayes.

From the audience, John Horner of 1217 Cherryfield Lane, discussed a drainage problem he has had for some time. He told the Board there is no outlet to handle the amount of rainfall. Mr. Horner recounted that several years ago the City passed around a petition concerning putting in a drain in the rear of all the houses in the area. The right-of-way was considerable, he said, and the residents did not agree, because only a few of the homes seem to have this problem. Only two residents agreed, and 17 said no. Mr. Horner stated that during the County Line Road project the curb at the southeast corner of the intersection was raised slightly so that water does not go to the inlet. Director of Operations Norm Gabehart had studied the problem and proposed putting an underdrain and a couple of catch basins to allow Mr. Horner and others a Y-out to bring the water out front. Some water could go to the south, Mr. Gabehart said, but the majority will have to go to the north. The problem seems to be on the east side of the road but we will poll the area. After considerable discussion, Mr. Gabehart said we would coordinate with Mr. Horner and check on the elevation to see if there could be a natural fall.

On his Status of Tasks, Mr. Peoni first recalled Lot 10 of Greenwood Industrial Airpark at the last meeting had requested a waiver of dry detention and asked for acceptance of the Inspection & Testing Agreement. They now ask for acceptance of the performance guarantees for their site:

- 1) CD #42382 in the amount of \$17,617 for the dirtwork and storm sewers.
- 2) CD #42384 in the amount of \$4,308 for erosion control.
- 3) CD #42385 in the amount of \$5,543 for street improvements in the right-of-way.

Mr. Hoover moved to accept the CD's as described by Mr. Peoni for Lot 10 at Greenwood Industrial Airpark. Second by Mr. Beville. Vote: Ayes.

For the Reserve at Royal Oaks Mr. Peoni recounted that they were before the Board on August 23, 2001 but the Mayor was not authorized to sign the Sewer Service Agreement once the paperwork is in place. At his recommendation, Mr. Beville moved that the Mayor be authorized to sign on the Board's behalf the Sewer Service Agreement for the Reserve at Royal Oaks. Second by Mr. Hoover. Vote: Ayes.

Walters Body Shop has had the same situation, Mr. Peoni related, since August 2000. They are now wanting to execute their Sewer Service Agreement. Mr. Beville moved to authorize the Mayor to sign the Sewer Service Agreement for Walters Body Shop in the Board's behalf. Second by Mr. Hoover. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through January 22nd. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson discussed the lease at National City Bank, which expires March 31st. The new owner wants City offices to vacate the fourth floor and are offering the third floor. The City must make a decision. There are no new lease numbers as yet from the bank. The Mayor also contacted Council President Jessie Reed, who appointed an ad hoc committee to look at new facilities. They are scheduled to meet by the end of the month. Mayor Henderson will be studying solutions and keeping the committee informed. The City Attorney noted that we have to negotiate a lease, put it on file in the Clerk-Treasurer's office, advertise and have a public hearing before the lease can be executed.

January 27th is the State of the City address at Valle Vista. March 6th is the Mayor's Prayer Breakfast at Jonathan Byrd's at 8:00 a.m.

With no further business, the meeting adjourned at 7:10 p.m.